IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 438 OF 2007

Shri Eknath Sonu Kanolkar,
resident of Arambol,
Pernem-Goa. .... Petitioner

V/s

1. Goa Coastal Zone Management
Authority (GCZMA), through
its Member Secretary,
having Office opposite
Saligao Ceminary, P.O.
Saligao, Bardez-Goa.

2. The Deputy Collector & SDO,
In-charge of Demolition Squad,
Panaji-Goa.

3. The Mamlatdar of Pernem
Taluka, Pernem-Goa.

4. State of Goa, through its
Chief Secretary, having Office
at Secretariat, Porvorim-Goa.

5. Union of India, through its
Secretary, Ministry of Environment
and Forests, New Delhi. .... Respondents

Mr. D. Pangam, Advocate for the Petitioner.

Mr. S.R. Rivonkar, Govt. Advocate for Respondents No. 1 to 4.

Mr. C.A. Ferreira, Asst. Solicitor General for Respondent No.5.

Coram : R.S. MOHITE &
N.A. BRITTO, JJ.

Date : 8th OCTOBER, 2007.

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith.

2. This petition impugns the order dated 27/07/2007 passed by the Goa Coastal Zone Management Authority (GCZMA) concluding that the Petitioner's structure situated in Survey No. 163/9 of Village Arambol is constructed illegally and in blatant violation of CRZ Notification 1991. By the impugned order GCZMA has issued directions to the Petitioner to demolish the structure within one month of the date of the order, failing which the authority will issue direction to the appropriate authority to demolish the said structure.

3. The sole contention which has been raised in this petition is that the order was passed without proper opportunity of hearing. On behalf of the GCZMA, an affidavit of its officer dated 5/10/2007 is filed. The same indicates that several attempts were made to serve the Petitioner. On two occasions the postal acknowledgment indicated that the notice was unclaimed. On one occasion the Petitioner was served. However, all the postal acknowledgments are after the date of hearing as fixed in the notices. In the circumstances, we are inclined to allow this petition in terms of prayers.

4. In the circumstances, rule is made absolute. The impugned order

passed by the GCZMA dated 27/07/2007 is quashed and set aside. The matter is remanded for a fresh decision to the GCZMA after giving proper opportunity to the Petitioner.

5. By consent it is agreed that notice to the Advocate of the Petitioner Shri D. Pangam will be treated as good notice to the Petitioner. In any case, apart from the notice to the Advocate notice will also be sent by registered post AD to the petitioner well before the date of hearing. It is also agreed that once a notice is served to Advocate Shri D. Pangam, the matter may be decided even if the notice to the Petitioner is not served. It is expected that the fresh decision will be taken within a period of four weeks. Petitioner will be at liberty to furnish any further documents alongwith a further reply.

5. Petition disposed off.

R.S. MOHITE, J.

N.A. BRITTO, J.

NH/-